

301.78 MEDITERRANEAN FRUIT FLY

Federal Domestic Quarantine

A. Pest. Mediterranean fruit fly. (*Ceratitis capitata* Wiedemann).

B. Regulated Area.

Effective June 27, 2002, there are no areas in the continental United States quarantined because of Mediterranean fruit fly.

C. Regulated Articles.

The following are regulated articles:

1. The following berries, fruits, nuts, and vegetables.

Almond with husk (*Prunus dulcis* (*P. amygdalus*))
 Apple (*Malus sylvestris*)
 Apricot (*Prunus armeniaca*)
 Avocado (*Persea americana*)
 Black Myrobalan (*Terminalia cherbula*)
 Cherries (sweet and sour) (*Prunus avium*, *P. cerasus*)
 Citrus citron (*Citrus medica*)
 Date (*Phoenix dactylifera*)
 Eggplant (*Solanum melongena*), other than commercially-produced*
 Fig (*Ficus carica*)
 Grape (*Vitis* spp.)
 Grapefruit (*Citrus paradisi*)
 Guava (*Psidium guajava*)
 Japanese persimmon (*Diospyros khaki*)
 Japanese plum (*Prunus salicina*)
 Kiwi (*Actinidia chinensis*)
 Lemon (*Citrus limon*) except smooth-skinned lemons harvested for packing for commercial packing houses
 Lemon, Meyer (*Citrus limon* X *reticulata*)
 Lemon, Rough (*Citrus jambhiri*)
 Lime, sweet (*Citrus aurantiifolia*)
 Loquat (*Eriobotrya japonica*)
 Mandarin orange (*Citrus reticulata*) (tangerine)
 Mango (*Mangifera indica*)
 Mock orange (*Murraya exotica*)
 Mountain apple (*Syzygium malaccense* (*Eugenia malaccensis*))
 Natal plum (*Carissa macrocarpa*)
 Nectarine (*Prunus persica* var. *Nectarina*)
 Olive (*Olea europea*)
 Opuntia cactus (*Opuntia* spp.)
 Orange, calamondin (*Citrus reticulata* x. *Fortunella*)
 Orange, Chinese (*Fortunella japonica*)
 Orange, king (*Citrus reticulata* x. *C. sinensis*)
 Orange, sweet (*Citrus sinensis*)
 Orange, Unshu (*Citrus reticulata* var. *Unshu*)
 Papaya (*Carica papaya*)
 Peach (*Prunus persica*)
 Pear (*Pyrus communis*)
 Pepper (*Capsicum frutescens*, *C. annum*)
 Pineapple guava (*Feijoa sellowiana*)
 Plum (*Prunus americana*)
 Pomegranate (*Punica granatum*)
 Prune (*Prunus domestica*)
 Pummelo (*Citrus grandis*)
 Quince (*Cydonia oblonga*)

Rose apple (*Eugenia jambos*)
 Sour orange (*Citrus aurantium*)
 Spanish cherry (Brazilian plum) (*Eugenia dombeyi* (*E. brasiliensis*))
 Strawberry guava (*Psidium cattleianum*)
 Surinam cherry (*Eugenia uniflora*)
 Tomato (pink and red ripe) (*Lycopersicon esculentum*)
 Walnut with husk (*Juglans* spp.)
 White sapote (*Casimiroa edulis*)
 Yellow oleander (Bestill) (*Thevetia peruviana*)

Any berries, fruits, nuts or vegetables that are canned or dried or frozen below -17.8°C. (0° F.) are not regulated articles.

2. Soil within the drip area of plants that are producing or have produced the berries, fruits, nuts or vegetables listed in paragraph (1) of this section.

3. Any other article, product, or means of conveyance, not covered by paragraphs (1) or (2) of this section, that presents a risk of spread of the Mediterranean fruit fly and an inspector notifies the person in possession of it that the article, product, or means of conveyance is subject to the restrictions of this subpart.

D. Restrictions.

Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:

1. With a certificate or limited permit issued and attached;

2. Without a certificate or limited permit if:

- a. The regulated article originated outside the quarantine area is either moving in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by Mediterranean fruit flies (such as canvas, plastic, or other closely woven cloth) while moving through the quarantined area; and
- b. The point of origin of the regulated article is indicated on the waybill.

3. Without a certificate or limited permit, if:

- a. The regulated article originated outside any quarantined area and is moved through (without stopping except for refueling, or for traffic conditions, such as traffic lights or stop signs) the quarantined area in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by Mediterranean fruit flies (such as canvas, plastic, or other closely woven cloth) while moving through the quarantined area; and
- b. The point of origin of the regulated article is indicated on the waybill, and the enclosed vehicle or the enclosure that contains the regulated article is not opened, unpacked or unloaded in the quarantined area.

4. Without a certificate or limited permit if the regulated article is moved:

- a. By the USDA for experimental or scientific purposes;
- b. Pursuant to a permit issued by the Administrator for the regulated article;

- c. Under conditions specified on the permit and found by the Administrator to be adequate to prevent the spread of Mediterranean fruit fly; and
- d. With a tag or label bearing the number of the permit issued for the regulated article attached to the outside of the container of the regulated article or attached to the regulated article itself if not in a container.

* Commercially-produced. Fruits and vegetables that an inspector identifies as having been produced for sale and distribution in mass markets. Such identification will be based on a variety of indicators, including, but not limited to: quantity of produce, monocultural practices, pest management programs, good sanitation practices including destruction of culls, type of packaging, identification of grower or packing house on the packaging, and documents consigning the shipment to a wholesaler or retailer.